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Order 2002-3-22

Served: March 27, 2002



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 22nd Day of March, 2002

Ninety-day notice of intent of

**CHAUTAUQUA AIRLINES, INC.  
d/b/a US Airways Express**

to terminate service at Hagerstown, MD/  
Martinsburg, WV, under 49 U.S.C. 41731 *et seq.*

**Docket OST-2002-11448 - 3**

**ORDER TO SHOW CAUSE**

**Summary**

By this order, the Department is tentatively allowing Chautauqua Airlines, Inc., d/b/a US Airways Express (Chautauqua) to suspend its scheduled service at Hagerstown, MD/Martinsburg, WV, on May 1, 2002.

**Background**

On January 31, 2002, Chautauqua Airlines, Inc., filed a 90-day notice of its intent to suspend service at Hagerstown/Martinsburg, on or about May 1, 2002. Chautauqua currently operates four daily round trips between the community and Pittsburgh using 34-seat Saab 340 aircraft.<sup>1</sup> (See Appendix A for map.)

In addition, Boston-Maine Airways, d/b/a Pan Am, under a contract with the Maryland Aviation Administration, provides Hagerstown/Martinsburg with three nonstop round trips each weekday and four over the weekend period to Baltimore (BWI) with 19-seat Jetstream aircraft.<sup>2</sup> Service began on December 28, 2001, as part of a regional air service development program funded by the State of Maryland. The program is scheduled to end on June 30, 2003.

Civil Aeronautics Board Order 83-6-70, issued June 17, 1983, defines Hagerstown/Martinsburg's essential air service (EAS) determination as two daily nonstop round trips to Baltimore or Washington, with sufficient capacity to accommodate 40 enplanements per day. In its notice, the

<sup>1</sup> Three flights are operated on a daily basis; a fourth flight operates daily except Saturday.

<sup>2</sup> Flights operate over a Cumberland-Hagerstown-Baltimore routing.

carrier states it would be willing to continue service after May 1, 2002, but only if it receives EAS subsidy that is adequate to fully cover losses incurred in serving the route.

### **Objection filed by Hagerstown Regional Airport**

On February 20, 2002, the Hagerstown Regional Airport filed an Objection to Chautauqua's notice. The Airport states that, without Chautauqua's service, the number of seats being provided by Boston-Maine to Baltimore will be insufficient to meet the current passenger demand. The Airport also states that "local, State and Federal agencies have spent millions of dollars and countless hours on air service to Hagerstown, and should Chautauqua be permitted to terminate service without benefit of a replacement carrier to Pittsburgh, the community's investment and economic impact return will be lost, or at the least, sorely diminished."

Finally, the Airport states that the loss of scheduled air service would jeopardize its eligibility for funding for its Aircraft Rescue Fire Fighting (ARFF) crews and equipment and put at risk pilots, crews and passengers.

### **Decision**

Under Public Law 106-69, the Department of Transportation and Related Agencies Appropriations Act of 2000, the Department is precluded from compensating a carrier under the Essential Air Service program for serving any community within 70 driving miles of a medium or large hub airport. Using a 1996 Rand McNally software program, we have measured the distance from the center of Hagerstown to the entrance of Dulles International Airport as 57 miles. Similarly, we have measured the distance from the center of Martinsburg to the entrance of Dulles as 51 miles.

We tentatively find, therefore, that Hagerstown/Martinsburg is within 70 driving miles of Washington Dulles International Airport, a large hub. Since we are prohibited from paying subsidy to Chautauqua for providing air service at Hagerstown/Martinsburg under the EAS program, we are thus also precluded from requiring the carrier to continue service at the community after the end of its 90-day notice period. Consistent with program practice, we will give the community 20 days after the service date of this order to file an objection if it believes that we have made a mistake in our distance calculations.

Although we have no authority to require Chautauqua to continue to serve Hagerstown/Martinsburg after May 1, we note that the community generated a total of 48,860 O&D passengers in the HGR-PIT market for the year ended June 2001. With traffic levels exceeding 133 passengers a day, we would encourage other carriers to examine the feasibility of providing service to the community.

As a final matter, we expect Chautauqua, before suspending service, to contact all passengers holding reservations for flights affected, to inform them of the suspension, and to assist them in arranging alternate transportation or to provide a refund of the ticket price, without penalty, if requested.

This order is issued under authority delegated in 49 CFR 1.56a(f).

**ACCORDINGLY,**

1. We tentatively find that Hagerstown, MD/Martinsburg, WV is less than 70 driving miles from Washington Dulles International Airport and, thus, is ineligible to receive subsidized air service under the Essential Air Service program. We will take no action to prohibit Chautauqua Airlines, Inc., d/b/a US Airways Express, from suspending its scheduled service at Hagerstown/Martinsburg, on May 1, 2002;

2. We direct all interested persons to show cause within 20 days of the service date of this order why we should not make final the tentative findings and conclusions set forth in paragraph 1 above.<sup>3</sup> If no objections are filed, all procedural steps will be deemed waived, and this order shall become effective on the 21<sup>st</sup> day following the date of service;<sup>4</sup>

3. This docket will remain open until further order of the Department; and

4. We will serve a copy of this order on the parties listed in the Certificate of Service of Docket OST-2002-11448.

By:

**READ C. VAN DE WATER**  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at  
<http://dms.dot.gov>*

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<sup>3</sup> Since we are providing for the filing of objections to this order, we will not entertain petitions for reconsideration.

<sup>4</sup> Objections should be filed with Docket Operations and Media Management, SVC-124, Room PL-401, 400 7<sup>th</sup> Street, S.W., Washington, DC 20590.

**HAGERSTOWN, MARYLAND  
MARTINSBURG, WEST VIRGINIA  
AREA MAP**

